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ORDINANCE NO. 493

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM R-12 (RESIDENTIAL, 12 UNITS PER ACRE) AND R-18 (RESIDENTIAL, 18 UNITS PER ACRE) TO R-24 (RESIDENTIAL, 24 UNITS PER ACRE) FOR THE PROPERTIES LOCATED 14727, 14723, 14721, 14709, 14551 AND 14549 32ND AVENUE NE AND 3124 NE 147th STREET, PARCEL NOS. 1568100415, 1568100420, 1568100425, 1568100430, 1568100315, 1568100320, 1568100435

WHEREAS, the subject properties, located at 14727, 14723, 14721, 14709 32nd Avenue NE and 3124 NE 147th Street are zoned R-12, Residential, 12 units per acre; and

WHEREAS, the subject properties located at 14551 and 14549 32nd Avenue NE are zoned R-18, 18 units per acre; and

WHEREAS, the owners of the seven properties have applied to rezone the properties to R-24, Residential, 24 units per acre; and

WHEREAS, the rezone of the properties is consistent with the Comprehensive Plan land use designations of High Density Residential and Mixed Use; and

WHEREAS, the Planning Commission considered the applications for zone change at a public hearing on January 17, 2008, and has recommended approval of the rezones; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council concurs with the Findings and Recommendation of the Planning Commission and determines that the rezone of the seven properties should be approved to provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses consistent with the goals and policies of the City's Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Planning Commission's Findings and Recommendation to approve rezone of the parcels, attached hereto as Exhibit A, are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of those certain properties depicted in Exhibit B attached hereto, from R-12, Residential, 12 units per acre, and R-18, Residential, 18 units per acre, to R-24, Residential, 24 units per acre.

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Section 3. Effective Date and Reversion. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON MARCH 24, 2008.

Cindy Ryu, Mayor

ATTEST:

Scott Passey
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: March 27, 2008
Effective Date: April 1, 2008

ORIGINAL EXHIBIT A

CITY OF SHORELINE
PLANNING COMMISSION

FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Change the zoning of seven parcels from R-12 and R-18 to R-24 for future development.
Project File Number: 201677
Project Address: 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE, Shoreline, WA 98155
Property Owner: Catalina Company (authorized agent).
SEPA Threshold: Determination of Non-Significance (DNS)
Staff Recommendation: Recommend approval of the rezone of seven parcels to R-24.

INTRODUCTION

A rezone of one parcel (14727 32nd Avenue NE) from R-12 to R-24 was previously considered by the Planning Commission on June 7, 2007. The Planning Commission denied that rezone because they concluded that the rezone did not meet the decision criteria for a rezone from R-12 to R-24. See Commission Findings dated November 1, 2007 attached as **Attachment 1**. The rezone from R-12/R-18 to R-24 that is under consideration tonight is for seven parcels (14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE). The concerns raised by the Commissioners in the denial of the 14727 32nd Avenue NE rezone are addressed in detail under the Conclusion section below.

FINDINGS OF FACT

Current Development

1. The parcels at issue are located at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE.

2. The subject parcels range in size from 7,387 to 8,504 square feet and are developed with a 6 single-family homes and one four-plex. Five of the parcels are zoned R-12 and two of the parcels are zoned R-18. The five parcels north of NE 147th Street have a Comprehensive Plan Land Use designation of High Density Residential ("HDR"). The two parcels south of NE 147th Street have a Comprehensive Plan Land use designation of Mixed-Use ("MU"). See **Attachment 2** for surrounding Comprehensive Plan designations and **Attachment 3** for surrounding zoning designations.

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3. If the request is approved, the combined development potential of the 7 sites is 35 dwelling units.

4. There are no existing sidewalks along 32nd Avenue NE adjacent to the subject properties. Right-of-way improvements are required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

Proposal

5. The applicant proposes to rezone the parcels from R-12 and R-18 to R-24.

6. A pre-application meeting was held with the applicant and City staff on July 27, 2007, the applicant held the requisite neighborhood meeting on August 9, 2007, and a Public Notice of Application was posted at the site.

7. Comments received at the neighborhood meeting included:
   - "I'm in support of the rezone",
   - increased property values,
   - older single-family homes should be preserved,
   - (concerns about) high water table.

8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on August 30, 2007. A revised Notice of Application was issued September 27, 2007. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on October 16, 2007. Public comment letters can be found in **Attachment 4.**

9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on October 16, 2007. The DNS was not appealed.

10. An open record public hearing was held by the Planning Commission for the City of Shoreline on January 17, 2008.

11. The City's Long Range Planner, Steven Cohn, and Associate Planner, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

Comprehensive Plan Land Use Designations.

12. Parcels to the north have a Comprehensive Plan Land Use designation of High Density Residential, Low Density Residential and Private Open Space (cemetery).

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(See Attachment 2). Parcels to the south, west and directly east have a designation of High Density Residential and Mixed Use. Parcels further to the east, across 31st Avenue NE, are designated Briarcrest Special Study Area Mixed Use and zoned R-24, R-18, R-12 and R-6.

13. The Comprehensive Plan describes High Density Residential as "intended for areas near employment and commercial areas; where high levels of transit service are present of likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted".

14. The Comprehensive Plan describes Mixed Use as "intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.

15. The Comprehensive Plan describes Special Study Areas as "areas designated for future subarea planning, watershed planning, special districts, neighborhood planning, or other study. It is anticipated that the underlying zoning for this designation shall remain." The Briarcrest area will be the subject of a subarea planning study beginning in the 1st quarter 2008.

Current Zoning

16. A majority of the parcels in the immediate area are zoned R-12 with parcels zoned R-18 and R-24 scattered throughout the area (see Attachment 2). The parcels at issue are zoned both R-12 and R-18. R-48 and Neighborhood Business zoning is located along and adjacent to Bothell Way and NE 145th Street. The area is developed with older single-family homes, duplexes, triplexes, apartment buildings, condos and newer townhome developments. There are older commercial developments along Bothell Way.

17. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities, in a manner that provides for additional density at a modest scale."

18. The purpose of R-18 and R-24 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses."

Proposed Zoning

19. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:

- The rezone is consistent with the Comprehensive Plan; and
- The rezone will not adversely affect the public health, safety or general welfare; and
- The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
- The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
- The rezone has merit and value for the community.

20. The purpose of an R-24 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses." The R-24 zoning category allows all residential land uses, including detached single-family dwelling units (if a Conditional Use Permit is secured).

Impacts of the Zone Change

21. The following table outlines the development standards for the current zoning (R-12), (optional zoning) R-18 and the requested zoning (R-24):

	R-12 (Current)	**R-18 (Possible)**	**R-24 (Proposed)**
Front Yard Setback	10'	10'	10'
Side Yard Setback	5'	5'	5'
Rear Yard Setback	5'	5'	5'
Building Coverage	55%	60%	70%
Max. Impervious Surface	75%	85%	85%
Height	35'	35'(40' with pitched roof)	35'(40' with pitched roof)
Density (residential development)	12 du/ac	18 du/ac	24 du/ac

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.

2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

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Rezone criteria

REZONE CRITERIA 1: Is the rezone consistent with the Comprehensive Plan?

3. The rezone complies with the following Comprehensive Plan Goals and Policies:

Land Use

- Land Use Element Goal I - ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community.
- Land Use Element Goal III - Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.
- Land Use Element Goal XVII – Manage the storm and surface water system through a combination of engineering solutions and the preservation of natural systems.
- LU14 – The High Density Residential designation creates a transition between high intensity uses (commercial) to lower intensity residential uses.
- LU99 and LU102 – Enforcement of construction and erosion control standards and allowing land alteration only if plans adequately prevent environmental impacts.
- LU152 – Seek opportunities for on-site water quality systems to support economic development and the efficient use of land.

Housing Goals

- Goals HI, HII, and HIII – Provide sufficient development capacity, pursue opportunities to develop housing for all economic segments of the community, and maintain and enhance multi-family residential neighborhoods with new development that is compatible with the neighborhood and provides effective transitions between different uses.

- H1 and H5 – Increase housing opportunities that is compatible with the character of existing residential and require new residential development to meet the minimum density as allowed in each zone.

- H24, H27 and H28 – Promote first time home ownership, anticipate future restoration needs of older neighborhoods and assure that design guidelines create effective transitions.

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Transportation Goals

- TI, TIII, TIV, TVI, and TVII – All of the transportation goals speak to safe and friendly streets, access to transit, livability and safety of residential neighborhoods, and encouragement of use of alternative modes of transportation.

- T17, T26, T27, and T29- These transportation policies speak to minimizing traffic on local streets and installing sidewalks for new construction projects to improve pedestrian safety.

- T45 – Reduce speeds and cut-through traffic on local streets while maintaining connectivity to the transportation system.

The R-24 rezone proposal is consistent with all of the above Comprehensive Plan Land Use Element Goals and Policies because more intense residential zoning should be encouraged in areas designated for both Mixed Use and High Density Residential land uses, as these parcels are designated.

The R-24 zoning would allow greater development intensity and be compatible with the already approved townhome development to the south and west. Although the current R-12 and R-18 zoning category is consistent with the HDR and Mixed Use designation, the existing detached single-family homes on this site and in the surrounding neighborhood are not consistent with the vision of development in the HDR designation, because although all housing types are permitted under HDR and MU, more intense residential zoning is encouraged in this area.

Rezoning the parcels to R-24 is consistent with the Comprehensive Plan as it would allow more intense residential uses, and is supported by land use, housing, clean air, transportation and community design goals of the Comprehensive Plan. R-24 zoning would allow for infill development that is compatible with recently built and planned housing types and provide densities that are envisioned for the HDR and MU land use designations.

Other Considerations

The Planning Commission previously recommended denial of the rezone of one of the parcels (14727 32nd Avenue NE) from R-12 to R-24. The concerns raised by the Commissioners associated with criteria number 1 are set forth below. The applicant has gathered information to address the Commissioners' concerns. Staff reviewed the information and offers our analysis based on the new information that has been submitted:

Concern #1: Consistency with Goal #1, specifically whether there is a high water table on the site. *In the discussion of the previous rezone request, a*

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Commissioner suggested that Goal #1 requires the City to preserve environmental quality by taking into account the land's suitability for development. He noted that the public believes that a high water table exists in the area, and that when the water table is very high, a developer's options are very limited because they can't get infiltration on site.

The applicant has submitted a preliminary geotechnical evaluation for three of the subject parcels, 14709, 14721, and 14723 32nd Avenue NE. Three test pits were dug at a depth of 6 feet. No ground water was observed in any of the three pits. Additionally, geotechnical reports were submitted with a new 5 unit townhome development at 14539 32nd Ave NE. Those reports are consistent with the applicant's reports showing no groundwater problems. Because of this additional information, the staff concludes that there is not a high water table in the rezone area.

Concern #2: Consistency with Land Use Policy 149, specifically whether there is there a reason to restrict development on the site in order to maintain the current amount of pervious surface. *One of the Commissioners cited Comprehensive Plan Land Use Policy 139 and suggested that this policy calls for restricting the water runoff rate and restoring water quality to predevelopment levels for all new development and redevelopment. He concluded that because of the high water table in this area, allowing 80% of the site to be developed as impervious surface would make it very difficult to meet the requirement of this policy.*

Again, geotechnical reports show no high water table in the immediate area. Managing runoff will be considered once building permits are submitted. Given the current development regulations, staff believes that a rezone allowing for an increase in the maximum impervious surface is appropriate.

Concern #3: Consistency with Community Design Goal #1, specifically whether this rezone encourages community development and redevelopment that is consistent with the City's vision. *The Commissioners suggested that they would be more likely to support upzoning the subject property if it were done in the context of a subarea plan that was carefully considered to balance the neighborhood goals.*

Staff does not believe that a subarea plan is necessary to develop a vision for this portion of Briarcrest because it already has a Comprehensive Plan Designation of Mixed Use and High Density Residential. In that sense, it is different from the area west of 31st Avenue NE, which does not have a Comprehensive Plan Designation.

Both the Mixed Use and High Density Residential designations allow a wide range of zoning choices. They offer a way to transition between more intense

uses and single family zones. In the case of the subject parcels, the transition could occur in two directions:

1. From 145th north to the cemetery.
2. From Bothell Way west to 30th Avenue NE.

Since the Comprehensive Plan does not directly set forth transition options and what was envisioned for the area, we look at the policy options that were available to choose from at the time of Comprehensive Plan designation. For the lower half of this area, i.e., south of 147th, the comprehensive plan could have called for commercial uses, but didn't. Or it could have designated the area as HDR. But that wasn't chosen either. Choosing Mixed Use suggest that the plan envisions commercial uses along 145th, and transitioning north to multifamily uses.

When we look at the upper half (north of 147th), the plan could have called for MDR (R8 and R12) as a transitional use. But it didn't. It calls for HDR. This suggests that the plan contemplates zoning of R-18 and above. One can imagine some combination of R-48, R-24, and R-18 as you transition from east to west.

Therefore, staff concludes that the Comprehensive Plan does offer concrete ideas re transition areas and overall future development of the area.

REZONE CRITERIA 2: Will the rezone adversely affect the public health, safety or general welfare?

4. Staff believes the rezone and associated future development will positively affect the neighborhoods general welfare. Codes have been revised and offer greater protection of downstream effects of development (drainage, in-street improvements, safer building codes, environmental quality, etc...) Both the GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City's development standards in its zoning regulations for the R-24 zone protect against uses that would be contrary to the public health, safety or general welfare. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

   New development will look different than the existing one-story single-family homes that were built decades ago. However, these homes will be in place indefinitely. All of the adjacent zoning currently allows for more density, it will only be a matter of time before the sites are redeveloped.

REZONE CRITERIA 3: Is the rezone warranted in order to achieve consistency with the Comprehensive Plan? *The Commission previously concluded that the rezone was not*

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warranted in order to achieve consistency with the Comprehensive Plan because both the existing R12 and the proposed R-24 zoning would be consistent with the Comprehensive Plan... There is no preference in the Comprehensive Plan for preserving one zoning designation over another.

5. Both R-12 and R-18 (current) and R-24 (proposed) zoning maintains consistency with the Comprehensive Plan. However, the Comprehensive Plan designation calls for High Density Residential on five of the seven parcels at issue. As noted above, R-24 is appropriate in the High Density Residential land use category and more closely meets the intent of the district than does the current R-12 zoning. R-24 zoning also provides a better transition from more intense uses to the east along Bothell Way and between existing R-12 zoning directly to the west.

This area is envisioned to transition from high intensity commercial zoning along Bothell Way to lower densities as you approach 30th Ave NE to the west. The proposal for R-24 meets this long term vision for the area as higher densities are expected within this area.

REZONE CRITERIA 4: Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

In discussion of an earlier rezone proposal for one parcel in June 2007, a Commission expressed a concern with criteria #4.

Concern #1: *The Commissioner indicated the City doesn't have a clear idea of the existing drainage conditions and what facilities are available. The existing zoning allows up to 75% impervious surface, and the proposed R-24 zone would allow 85%. The Commissioner believed that it would be inappropriate to allow more impervious surface without addressing the drainage issues in a more comprehensive fashion.*

6. After reviewing the information submitted by the applicant, staff concludes that the proposed rezone will not have an impact to the existing single-family properties in terms of traffic or drainage. As noted under the discussion for criteria # 1, the applicant submitted a soils/drainage report that explains there is not a "high water table" in the immediate area and civil plans from recent develops also highlight this fact (14515 and 14539 32nd Ave NE).

   The traffic report submitted explains traffic around the proposed rezone is relatively light. Adding traffic associated with 25 additional units is minor and will not cause additional delays in the area.

   Under the current codes, townhomes as well as single-family homes may be 35 feet in height (40 feet with pitched roof). This rezone could potentially add 25 additional units (10 units exist now, current zoning will allow 16 units;

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rezone would permit up to 35 units). This increase in additional units is not detrimental to the property in the vicinity because appropriate infrastructure is in place, multi-family zoning is currently in place for all of the seven parcels, traffic study indicates little impact to existing traffic patterns, and new development triggers public amenities such as curb, gutter, sidewalks and updated drainage facilities.

A DNS has been issued, and no environmental issues remain.

REZONE CRITERIA #5: Will the rezone have merit and value for the community?

In discussion of an earlier rezone proposal in this area, the following concerns were raised:

- *The City should adopt a "vision" for the area and stop "piecemeal zoning" of the area;*
- *a comprehensive drainage plan for the Briarcrest Neighborhood should be addressed before more density can be built;*
- *a traffic analysis should be performed around the area of the rezone to address cut-through traffic;*
- *Small houses and seemingly affordable housing will be demolished for new development.*

Staff has reviewed the applicant's materials and believes that the issues raised in the past have been adequately addressed.

- By rezoning 7 lots the Commission will be implementing the vision that has been adopted and avoid the site by site rezoning that has occurred in the past;
- Drainage and traffic issues have been analyzed –there are no drainage issues and traffic impacts can be handled by the existing infrastructure.
- This rezone will encourage redevelopment of the area, but, given the adopted Comprehensive Plan designation of MU and HDR and current multi-family zoning, redevelopment of this area is to be expected.

RECOMMENDATION

The Planning Commission recommends that the City Council approve a rezone of seven parcels at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE from R-12 and R-18 to R-24.

Date: 11 FEB 2008

By: _____
Planning Commission Chair

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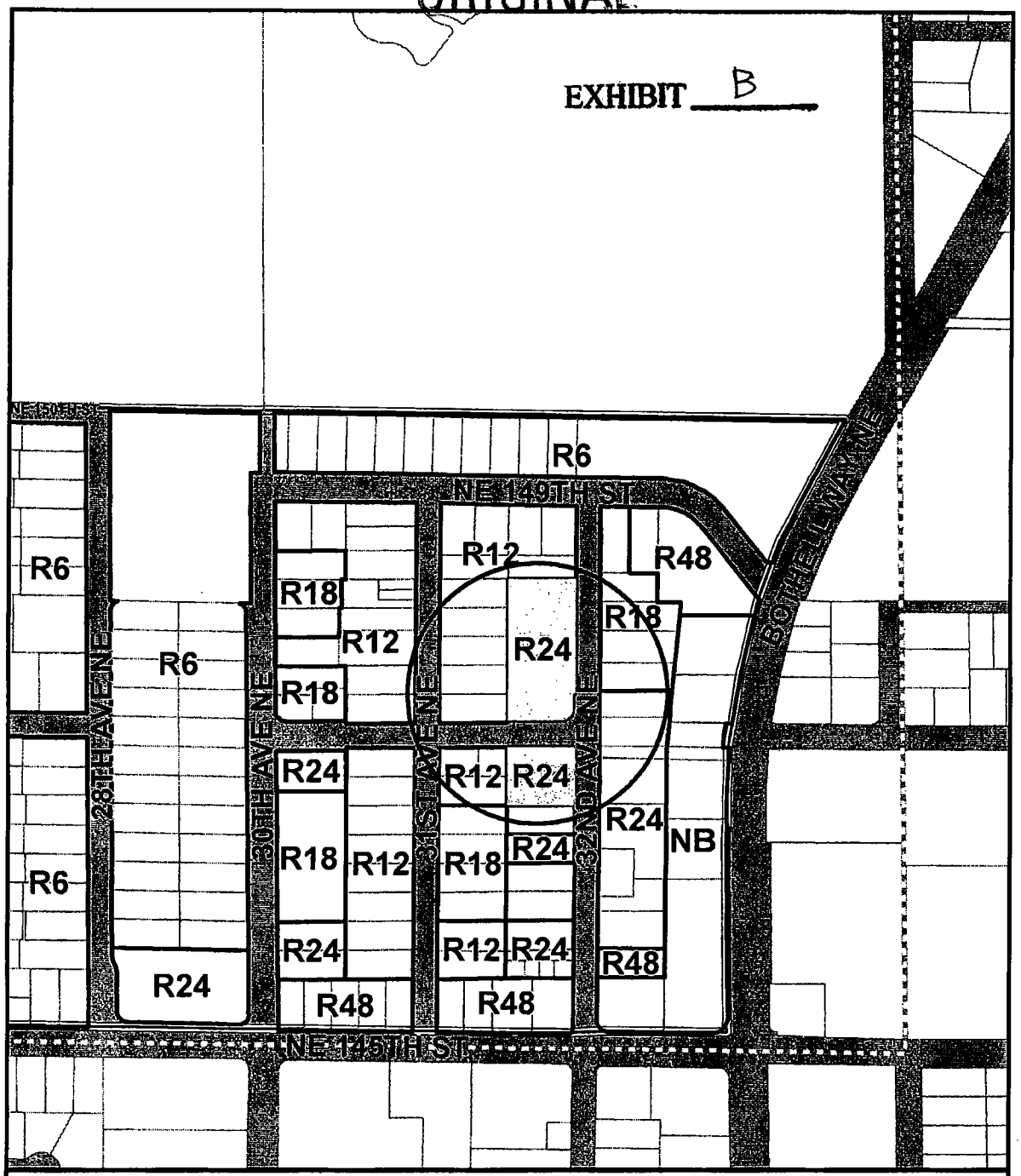
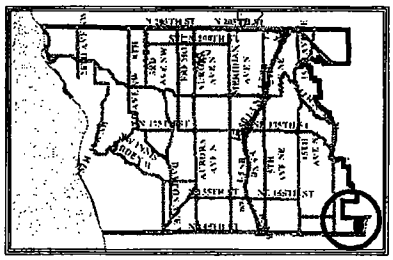
EXHIBIT B



32nd Ave NE rezone

Zoning Legend

R4	Residential, 4 units/acre	NB	Neighborhood Business
R6	Residential, 6 units/acre	NCBD	North City Business District
R8	Residential, 8 units/acre	CB	Community Business
R12	Residential, 12 units/acre	O	Office
R18	Residential, 18 units/acre	RB	Regional Business
R24	Residential, 24 units/acre	RB-CZ	Regional Business-ContractZ one
R48	Residential, 48 units/acre	I	Industrial
CZ	Contract Zone		



0 80 160 320 480 640 Feet

Feature Legend

- Map Tile Lines
- Unclassified ROW
- City Boundary
- Parcel Line

No warranties of any sort, including accuracy,f itness, or merchantability,a ccompany this product.

Representation of officialz oning map adopted by City Ordinance No. 292.S hows amendments through December, 2006.

CITY OF SHORELINE